

9. **2004SP-090G-12**
Kingsport Estates
Map 174-00, Parcel 006
Subarea 12 (2004)
Council District 32 - Sam Coleman

A request to change from AR2a to SP zoning on property located at 5748 Pettus Road, on the west side of Preston Road, (41.44 acres) to permit 72 single-family lots, requested by E. Roberts Alley & Associates, Inc., applicant for Martha S. Wisener, owner.

Staff Recommendation: Defer until Public Works approves the associated access study. Note: Public Works provided conditions for approval prior to the Commission meeting.

APPLICANT REQUEST - Preliminary Plan

A request to change 41.44 acres from agricultural and residential (AR2a) to Specific Plan (SP) zoning property located at 5748 Pettus Road, on the west side of Preston Road, to permit 72 single-family lots.

Existing Zoning

AR2a district -Agricultural/residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres.

Proposed Zoning

SP district -Specific Plan is a zoning district category that provides for additional flexibility of design, including the relationship of buildings to streets, to provide the ability to implement the specific details of the General Plan.

- The SP District is a base zoning district, not an overlay. It will be labeled on zoning maps as “SP.”
- The SP District is not subject to the traditional zoning districts’ development standards. Instead, urban design elements are determined **for the specific development** and are written into the zone change ordinance, which becomes law.
- Use of SP **does not** relieve the applicant of responsibility for the regulations/guidelines in historic or redevelopment districts. The more stringent regulations or guidelines control.
- Use of SP **does not** relieve the applicant of responsibility for Subdivision Regulation and/or stormwater regulations.

SOUTHEAST COMMUNITY PLAN

Residential Low Medium (RLM) - RLM policy is intended to accommodate residential development within a density range of two to four dwelling units per acre. The predominant development type is single-family homes, although some townhomes and other forms of attached housing may be appropriate.

Natural Conservation (NCO) - NCO policy is intended for undeveloped areas with the presence of steep terrain, unstable soils, and floodway/floodplain. Low intensity community facility development and very low density residential development (not exceeding one dwelling unit per two acres) may be appropriate land uses.

Consistent with Policy? -Yes. The proposed SP district is consistent with the area’s RLM and NCO policy.

Plan Details -The plan proposes 72 single-family homes with access proposed off of Preston Road and Pettus Road. Much of the floodplain and floodway areas are remaining undisturbed.

A cluster lot subdivision is proposed which requires additional open space to be provided for the use and enjoyment of the future homeowners. There is a condition stated on the plan that a playground area will be provided for children within the subdivision, however, it is not labeled on the plan where that open space will be provided. Another condition stated on the plan is that the applicant is to work with Metro Parks to extend the greenway along Mill Creek. This will also be counted as useable open space. Approval from Metro Parks will be required prior to final site plan approval.

There are double frontage lots proposed along Pettus and Preston Road. A 50' landscape buffer is proposed to buffer adjacent residential development along these roads. The buffer along Pettus Road must be labeled prior to final SP approval. The buffer is to keep the existing trees along Preston and Pettus Road.

Eleven lots have some existing floodplain within the lot. These lots are not labeled as critical lots and would require a comprehensive grading plan to meet critical lot standards. These lots are to be labeled and the grading plans are to be approved by Metro Planning prior to final site plan approval.

A collector street is required by the Community Plan and is provided for future connectivity.

There is a condition stated on the plan regarding a cave in the vicinity of this property. Staff recommends that a geotechnical study be provided prior to final site plan approval.

Infrastructure Deficiency Area -This property is located within an infrastructure deficiency area for transportation established by the Planning Commission in the Southeast Community Plan. Therefore, staff recommends approval with the condition that the infrastructure deficiency area requirements be applied during the final SP stage.

This property is located within RLM and NCO policy. The RLM policy requires 13 linear feet per acre of infrastructure improvements, while the NCO policy does not require improvements since it is not intended for intense development. The acreage within RLM policy being developed is 26 acres, which would require 338 linear feet of roadway improvements to be provided. There is approximately 15 acres located within NCO policy and does not require any infrastructure improvements.

RECENT REZONINGS - None.

STORMWATER RECOMMENDATION - Approved except as Noted.

- Site will be required to use "worst-case-scenario" for floodplain/floodway.
- Compensated fill/cut will be required.
- A variance will be required for stream crossing.

PUBLIC WORKS RECOMMENDATION -An access study is required.

- Public Works' design standards, including cross-sections, geometry, and off-site improvements, shall be met prior to approval of roadway or site construction plans. Final design and improvements may vary based on field conditions.
- Within residential developments all utilities are to be underground. The utility providing the service is to approve the design and construction. The developer is to coordinate the location of all underground utilities. Installation of conduit for street lighting is required in the GSD.
- Show and dimension right of way along Pettus Road. Label and dedicate right of way 30 feet from centerline to property boundary. Label and show 12' reserve strip for future right of way (42 feet from centerline to property boundary), consistent with the approved major street plan (U4 - 84' ROW).
- Sight distance appears inadequate at the Preston Road access intersection. Document adequate sight distance at project entrances.

- Minimum elevation of public streets shall be a minimum one (1) foot above the 100-yr flood elevation.
- Proposed subdivision appears to be located in Planning's IDA policy area.

Typical Uses in Existing Zoning District: AR2a

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	41.44	0.5	20	192	15	21

Typical Uses in Proposed Zoning District: SP

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	41.44	1.73	72	769	60	80

Change in Traffic Between Typical Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				577	45	59

METRO SCHOOL BOARD REPORT

Projected student generation 10 Elementary 7 Middle 7 High

Schools Over/Under Capacity -Students would attend Maxwell Elementary School, Antioch Middle School, or Antioch High School. All of these schools have been identified as being over capacity by the Metro School Board. There is capacity at another middle school within the cluster and capacity at an adjacent high school cluster (Glencliff). There is no capacity within the cluster for elementary students. This information is based upon data from the school board last updated February 2006.

Fiscal Liability -The Metro School Board reports that due to the overcrowded condition of the school(s) impacted by this proposed rezoning and the lack of capacity of other elementary schools within the cluster, approval of the rezoning and the development permitted by the rezoning will generate a capital need liability of approximately \$120,000 for additional school capacity in this cluster. This estimate is based on maintaining current school zone boundaries.

CONDITIONS (if approved)

1. Prior to final SP approval, revised preliminary plans are to be submitted that shows the following:
 - Label landscape buffer yard for double frontage lots along Pettus Road. Existing trees are to remain.
 - Label all critical lots proposed.
 - The plan is to show the amount of undisturbed floodplain, amount of open space, and amount of acreage within the RLM policy or amount that is being developed.
 - The name of the SP is to be changed due to same name as another proposal in this area.
 - The plan is show the amount of area within the RLM policy so that roadway improvements can be determined.

2. Prior to final site plan approval by the Planning Commission, the Metro Parks Department, or applicable agency, shall provide, in writing, the approval of the proposed greenway along Mill Creek.
3. A total of 338 linear feet of roadway improvements is to be provided for the infrastructure deficiency policy.
4. Prior to final site plan approval, Metro Stormwater and Public Works are to review and submit approval.
5. A revised plan showing all required revisions and listing all conditions of approval shall be submitted within 60 days after the PUD has received the final approval of the Metro Council.
6. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the RS10 zoning district, which must be shown on the plan.
7. All Fire Marshal requirements must be met prior to Final Site Plan approval. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet diameter.
8. A cave study/geotechnical study is to be completed by a Registered Engineer prior to Final Site Plan approval. The report should specifically address the low area near the main road and roundabout and provide recommendations for structural fills, grading, bearing capacities, etc. This report must be submitted prior to or in conjunction with the submittal of the final SP site plan. Should the geotechnical report indicate that the sinkholes are larger than identified on the preliminary SP district plan, the number of units and layout of the roads may be reduced and relocated.

Approved with conditions, including Public Works conditions (9-0), *Consent Agenda*

Resolution No. RS2006-259

"BE IT RESOLVED by The Metropolitan Planning Commission that 2004SP-090G-12 is **APPROVED WITH CONDITIONS (9-0), including additional Public Works recommendations.** **Conditions of Approval:**

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 - Label all critical lots proposed.
 - The plan is to show the amount of undisturbed floodplain, amount of open space, and amount of acreage within the RLM policy or amount that is being developed.
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Public Works' comments are as follows:

1. Public Works' design standards, including cross-sections, geometry, and off-site improvements, shall be met prior to approval of roadway or site construction plans. Final design and improvements may vary based on field conditions.
2. Within residential developments all utilities are to be underground. The utility providing the service is to approve the design and construction. The developer is to coordinate the location of all underground utilities. Installation of conduit for street lighting is required in the GSD.
3. Document adequate sight distance at project access locations, prior to submittal of construction plans.
4. Minimum elevation of public streets shall be a minimum one (1) foot above the 100-yr flood elevation.
5. Construct one-half of Pettus Road and Preston Road along the property frontage to the standards as established by the Department of Public Works.
6. The access onto Pettus Road shall be constructed to meet Metro Public Works' standard collector cross-section (including separate left and right turn lanes at Pettus Road).
7. Comply with the Metro Planning Department's IDA policy

The proposed SP district is consistent with the Southeast Community Plan's Residential Low Medium and Natural Conservation policies. Residential Low Medium is for residential developments within a density of 2 and 4 units per acre, and Natural Conservation policy is for

undeveloped areas with the presence of steep terrain, unstable soils, and floodplain/floodway, and only suitable for low intensity developments.”